

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MOBIUS MANAGEMENT SYSTEMS, INC., :
: Plaintiff, :
v. : C.A. No. 05-346 SLR
: :
ACARTUS, INC., :
: Defendant. :
:

ORDER

This ____ day of _____, 2005, plaintiff having moved for a preliminary injunction and the Court having concluded that good grounds exist for the requested relief; now therefore,

IT IS HEREBY ORDERED THAT plaintiff's motion is granted, and that defendant Acartus, Inc., its officers, agents, employees, successors, affiliates, and assigns, and all persons and entities acting in concert or participation with them, are:

1. enjoined from using in connection with the sale, offering for sale, distribution, promotion or advertising of its services, the trademark "Mobius" or any other mark incorporating the term "Mobius" or any other confusingly similar term or mark;
2. ordered to deliver up to the Court for destruction all merchandise, labels, signs, prints, packages, receptacles, advertisements and promotional materials bearing the trademark or trade name "Mobius" or any mark confusingly similar to "Mobius" and all plates, molds, matrices and other means of making the same;

3. enjoined from stating or implying in commerce that Mobius ViewDirect requires a manual transformation of content;

4. enjoined from stating or implying in commerce that continuing to support a legacy archival system such as Mobius perpetuates a series of unnecessary licensing, services and maintenance costs, or making any other false statement about Mobius or its products; and

5. directed, in accordance with 15 U.S.C. § 1116, to file with the Court and serve on plaintiff within thirty days after the service of this order a written report setting forth the manner and form in which defendant has complied with the Court's preliminary injunction; and

IT IS FURTHER ORDERED that the parties to this action (a) shall respond to requests to produce documents within ten calendar days after service of such requests by production of responsive documents and/or written objections thereto; and (b) may take the deposition of any other party or non-party witness, upon notice in writing to every other party of at least fifteen calendar days.

United States District Judge